

## **REMARKS**

Applicant is in receipt of the Office Action mailed December 28, 2004. Claims 4, 29, 41, and 46-48 have been cancelled. Claims 1, 5, 13, 15, 16, 19, 26, 30, 35, 36, 38, 42, and 44 have been amended. New claims 49-57 have been added. Thus, claims 1-3, 5-28, 30-40, 42-45, and 49-57 remain pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Telephone Interview Summary**

Applicant spoke with the Examiner by telephone on January 14, and suggested that claims 38-43 were memory medium claims substantially corresponding to the method and system claims, and thus included allowable subject matter. The Examiner agreed and indicated that these claims could be amended in a similar way as the method and system claims to bring them into condition for allowance. The Examiner also agreed to enter this conversation and agreement regarding claims 38-43 into the record.

### **Allowed Subject Matter**

Applicant appreciates the allowed subject matter, and in the interest of expediting the case, has accepted the allowed matter and amended the claims accordingly. Applicant has further amended the claims to correct various antecedent basis errors, inconsistencies, and dependencies. More specifically:

Claim 1 has been amended to include the subject matter of claim 4 (now cancelled). Claims 5 and 13 have been amended to depend from amended claim 1.

Claims 15, 16, 19, 35, and 36 have been amended to correct antecedent basis errors, specifically, the phrase “region surrounding each candidate color match region” has been replaced with “proximal region proximal to each candidate color match region”, and improper phrasing corrected to comply with system claim form.

Claim 16 has been amended for clarification; specifically, limitations from claim 15 were added to claim 16, and the dependency changed to claim 1.

Claim 26 has been amended to include the subject matter of claim 29 (now cancelled). Claim 30 has been amended to depend from amended claim 26.

Claim 36 has similarly been amended for clarification; specifically, limitations from claim 35 were added to claim 36, and the dependency changed to claim 26.

Claim 38 has been amended to include the subject matter of claim 41 (now cancelled). Claim 42 has been amended to depend from amended claim 38.

Claims 1, 26, 38, and 44 have been amended to delete an extraneous “color” from the phrase “candidate color match regions”.

New claim 49 includes the allowed subject matter of previous claim 1, claim 15, and claim 16.

New claim 51 includes the allowed subject matter of previous claim 26, claim 35, and claim 36.

New claim 53 includes the allowed subject matter of previous claim 38, claim 15, and claim 16.

New claims 50, 52, and 54-58 have been added to clarify the meaning of “proximal regions”, and is based on the allowed subject matter of original claims 15, 16, 19, 35, and 36.

### **Section 102 Rejections**

Claims 1, 14, 15, 25, 26, 38, and 46-48 were rejected under 35 U.S.C. 102(e) as being anticipated by Fadel (U.S. Patent No. 6,597,736, “Fadel”).

### **Section 103 Rejections**

Claims 2, 3, 27, 28, 39, and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fadel (U.S. Patent No. 6,597,736, “Fadel”) in view of Ringland et al. (U.S. Patent No. 6,122,391, “Ringland”).

Applicant believes that the above amendments, based on the allowed subject matter, overcomes the 102 and 103 rejections. Removal of the 102 and 103 rejections is earnestly requested.

Applicant believes that no new issues have been raised, and that the above amendments place the claims into condition for allowance. If the Examiner disagrees as to the allowability of the claims as currently written, Applicant respectfully requests a telephone interview with the Examiner to resolve any issues.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-43600/JCH.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Request for Approval of Drawing Changes
- Notice of Change of Address
- Check in the amount of \$ \_\_\_\_\_ for fees ( \_\_\_\_\_ ).
- Other:

Respectfully submitted,



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